

DECLARATION AND POWER OF ATTORNEY

I the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF LIGNOCELLULOSIC-DEGRADING ENZYMES

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information material to the examination of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I hereby claim the benefit under Section 120 or Section 119 (e)(1) of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code. I acknowledge the duty to disclose material information as defined in Section 1.56(a) Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented abandoned)
<u>08/883,495</u>	<u>June 26, 1997</u>	<u>Pending</u>

And I hereby appoint:

Charles S. Sara	30,492
Joseph T. Leone	37,170
Craig A. Fieschko	39,668
Mary E. Eberle	43,599

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All correspondence to:

Intellectual Property Department
DEWITT ROSS & STEVENS, S.C.
Firststar Financial Centre
8000 Excelsior Drive Suite 401
Madison, WI 53717-1914

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Sandra Austin-Phillips

INVENTOR'S SIGNATURE _____ DATE _____

Residence: Madison, Wisconsin

Citizenship: Great Britain Post Office Address: 2137 Fox Avenue, Madison, WI 53711

FULL NAME OF JOINT OR SECOND INVENTOR Richard R. Burgess

INVENTOR'S SIGNATURE _____ DATE _____

Residence: Madison, Wisconsin

Citizenship: U.S.A. Post Office Address: 10 Knollwood Court, Madison, WI 53713

FULL NAME OF JOINT OR THIRD INVENTOR Thomas L. German

INVENTOR'S SIGNATURE _____ DATE _____

Residence: Hollandale, Wisconsin

Citizenship: U.S.A. Post Office Address: 1671 Sandy Rock Road, Hollandale, WI 53544

FULL NAME OF JOINT OR FOURTH INVENTOR Thomas Ziegelhoffer

INVENTOR'S SIGNATURE _____ DATE _____

Residence: Madison, Wisconsin

Citizenship: U.S.A. Post Office Address: 418 Oak Crest Avenue, Madison, WI 53705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.:

Attorney Docket No.: 09820.114

Filing Date: Simultaneously Herewith

Applicants: AUSTIN-PHILLIPS et al.

Title: **TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF
LIGNOCELLULOSIC-DEGRADING ENZYMES**

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING TO A BIOTECHNOLOGY INVENTION
CONTAINING A NUCLEOTIDE AND/OR AMINO ACID SEQUENCE**

Box: Sequence

Assistant Commissioner for Patents
Washington, D.C. 20231

To the Commissioner:

Enclosed are:

1. A paper copy of the "Sequence Listing" for the nucleotide sequence in this application. The "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. 1.821(c) and 37 C.F.R. 1.822 and 1.823.
2. A copy of the "Sequence Listing" in computer readable form in accordance with the requirements of 37 C.F.R. 1.821(e) and 1.824.
3. A statement that the content of the paper copy of the "Sequence Listing" and the "Sequence Listing" in computer readable form are the same as required by 37 C.F.R. 1.821(g).

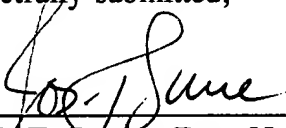
662733-2422460

**STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY
ARE THE SAME AND THAT PAPERS SUBMITTED INCLUDE NO NEW MATTER**

The paper copy of the "Sequence Listing" submitted in this application is identical to the computer readable copy of the "Sequence Listing" being submitted herewith.

Should the Examiner have any questions or comments with respect to the above-referenced application, the Examiner is requested to contact the undersigned attorney. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

Respectfully submitted,



Joseph T. Leone, Reg. No. 37,170
DEWITT ROSS & STEVENS, S.C.
Firststar Financial Centre
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Madison, Wisconsin 53717-1914
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Facsimile: (608) 831-2106

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Box: Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Date of Deposit: 8-12-99

Signature: Maura Layton

Applicant or Patentee: Sandra Austin-Phillips, Richard R. Burgess, Thomas L. German and Thomas Ziegelhoffer

Serial or Patent No.: _____ Atty. Docket No.: 09820.114

Filed or Issued: Simultaneously Herewith

For: **TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF LIGNOCELLULOSIC-DEGRADING ENZYMES**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§1.9(f) and 1.27(d)) - NON-PROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Wisconsin Alumni Research Foundation

ADDRESS OF ORGANIZATION P.O. Box 7365, Madison, WI 53707-7365

TYPE OF ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
(37 C.F.R. §1.9(e)(1))
- ☒ TAX EXEMPT UNDER IRS CODE (37 C.F.R. 1.9(e)(2))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL ORGANIZATION UNDER STATUTE
OF STATE OF THE UNITED STATES OF AMERICA (37 C.F.R. (1.9(e)(3))
NAME OF STATE _____
CITATION OF STATUTE _____
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER IRS CODE IF LOCATED IN THE
UNITED STATES OF AMERICA (37 C.F.R. 1.9(e)(4)/(e)(2))
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER
STATUTE OR STATE OF THE UNITED STATES OF AMERICA (37 CFR
1.9(e)(4)/(e)(3))
NAME OF STATE _____
CITATION OF STATUTE _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under 35 USC §41(a) and (b) with respect to the invention entitled **TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF LIGNOCELLULOSIC-DEGRADING ENZYMES** by inventors Sandra Austin-Phillips, Richard R. Burgess, Thomas L. German and Thomas Ziegelhoffer described in the specification filed herewith.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME N/A
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Carl E. Gulbrandsen
TITLE OF PERSON OTHER THAN OWNER Director of Patents and Licensing
ADDRESS OF PERSON SIGNING P.O. Box 7365, Madison, WI 53707-7365

SIGNATURE _____ DATE _____

Applicant or Patentee: Sandra Austin-Phillips, Richard R. Burgess, Thomas L. German and
Thomas Ziegelhoffer

Serial or Patent No.: _____ Atty. Docket No.: 09820.114

Filed or Issued: Simultaneously Herewith

For: **TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF
LIGNOCELLULOSIC-DEGRADING ENZYMES**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§1.9(f) and 1.27(d)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under 35 U.S.C. §41(a) and (b), to the Patent and Trademark Office with regard to the invention entitled **TRANSGENIC PLANTS AS AN ALTERNATIVE SOURCE OF LIGNOCELLULOSIC-DEGRADING ENZYMES** described in the specification filed herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

FULL NAME: Wisconsin Alumni Research Foundation

ADDRESS: P.O. Box 7365, Madison, WI 53717-1914

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☐ SMALL BUSINESS CONCERN

☒ NON-PROFIT ORGANIZATION

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Sandra Austin-Phillips
NAME OF INVENTOR

Richard L. Burgess
NAME OF INVENTOR

Thomas L. German
NAME OF INVENTOR

Signature

Signature

Signature

Date

Date

Date

Thomas Ziegelhoffer
NAME OF INVENTOR

Signature

Date